

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA

UNITED STATES OF AMERICA, )  
                                  )  
                                  )  
*Plaintiff,*              )  
                                  )  
                                  ) Case No. 1:13-cr-37  
v.                            )  
                                  )  
                                  ) Judge Mattice  
CELVIN HOUSTON,          )  
                                  )  
*Defendant.*              )  
                                  )

**ORDER**

On February 18, 2015, United States Magistrate Judge William B. Carter filed a Report and Recommendation (Doc. 90) pursuant to 28 U.S.C. § 636(b)(1). Magistrate Judge Carter recommended that Defendant's Motion to Suppress his Statement (Docs. 41, and 64) be denied as moot, Defendant's Motion to Suppress the Contents of his Cell Phone (Docs. 42 and 65) be denied, and Defendant's Motion to Suppress the Recordings of his Phone Calls (Docs. 46 and 66) be granted. (Doc. 90 at 20).

Neither the Government nor the Defendant have filed objections to the Magistrate Judge's Report and Recommendation.<sup>1</sup> Nevertheless, the Court has reviewed the record in this matter, and it agrees with the Magistrate Judge's well-reasoned conclusions.

Accordingly, the Court **ACCEPTS** and **ADOPTS** Magistrate Judge Carter's findings of fact and conclusions of law, and Defendant's Motion to Suppress his

---

<sup>1</sup> Magistrate Judge Carter specifically advised the parties that they had had 14 days in which to object to the Report and Recommendation and that failure to do so would waive their right to appeal. (Doc. 90 at 20); *see* Fed. R. Crim. P. 59(b)(2); *see also* *Thomas v. Arn*, 474 U.S. 140, 148-51 (1985) (noting that “[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings”).

Statement (Docs. 41, and 64) is hereby **DENIED AS MOOT**, Defendant's Motion to Suppress the Contents of his Cell Phone (Docs. 42 and 65) is hereby **DENIED**, and Defendant's Motion to Suppress the Recordings of his Phone Calls (Docs. 46 and 66) is hereby **GRANTED**. (Doc. 90 at 20).

**SO ORDERED** this 11th day of March, 2015.

*/s/ Harry S. Mattice, Jr.*  
\_\_\_\_\_  
HARRY S. MATTICE, JR.  
UNITED STATES DISTRICT JUDGE